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Attorney for defendant David Reid

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

CR-05-1849 JH

vs.

DAVID REID,

Defendant.

REQUEST FOR *BRADY* MATERIAL

No excludable delay under 18 U.S.C. §3161(h)(1)(F) will occur as a result of this motion or of an order based thereon.

The defendant David Reid, by his counsel undersigned, hereby files this specific request for various categories of exculpatory information. No hearing is requested on this matter at this time and no responsive pleading is deemed to be necessary on behalf of the Government. The defendant Reid requests the following:

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1. All documents, statements, intelligence, tangible objects, or other things that are of evidentiary value in this case that affirmatively indicate that the Defendant did not participate in any of the events alleged and any such item that does indicate the involvement of other alleged co-conspirators, both named and unnamed, and/or any co-defendants, but which does not include the Defendant.
2. All exculpatory statements made by the Defendant.
3. All statements of any co-conspirators, both named and unnamed, and/or any co-defendants that affirmatively indicate that the Defendant had no involvement in the alleged crime and any such statement of any other alleged co-conspirator, both named and unnamed, and/or any co-defendant that does not mention the Defendant.
4. All statements of any other individual, either in writing or oral, that exculpate the Defendant and any statements, either in writing or oral, that indicate the guilt of other alleged co-conspirators, either named or unnamed, and/or any co-defendants, but which do not make any mention of the Defendant.
5. The full nature and extent of any and all terms of any plea agreement

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1 or other negotiated disposition entered into by and between the
2 prosecutor herein, or any other governmental agency, with any
3 individual or entity in exchange for Grand Jury testimony, trial
4 testimony, testimony at any hearings, and/or intelligence given or to
5 be given by that individual or entity involving any individual in the
6 case at bar.
7

8
9 6. All efforts of the investigating agents, other police personnel and any
10 prosecutors or agents thereof to verify any of the information
11 provided by any informer, cooperating witness, or any other individual
12 who is providing testimony or information against any defendant
13 herein, or in support of any allegations herein, which such efforts
14 were negative.
15

16 7. The following information for any informant, cooperating individual,
17 and/or other witness in this case:
18

19 a. All statements made by the witness relative to the allegations of
20 this case, any of the facts giving rise to this case or in any way
21 involved therein, and/or concerning any of the defendants
22 herein. This includes any written document prepared by the
23 witness, any written document (including notes) prepared by
24
25
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- 1 any other individual of oral statements made by the witness,
2 and any document or tape otherwise purporting to contain the
3 substance of any such statements made by the witness;
4
5 b. The entire criminal record (both arrests and convictions),
6 including any juvenile record, of said witness;
7
8 c. Any information suggesting any bias, prejudice or motive that
9 the witness may have for testifying falsely or otherwise against
10 any defendant;
11
12 d. Any information tending to establish that the witness is a user
13 of any drug or alcohol and any other information which tends to
14 discredit the witness's ability to perceive, recollect, and/or
15 narrate about events;
16
17 e. All information relative to the witness's admission to any in or
18 out patient care or counseling program regarding drug and/or
19 alcohol use or other behavioral issues;
20
21 f. All promises, agreements, benefits, monies or any thing of
22 value (including immigration benefits) whatsoever made to or
23 provided to the witness, his family or friends, directly or
24 indirectly, by federal, state or local authorities in Arizona or
25
26

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1 elsewhere in this matter or any other matter in exchange for his
2 cooperation;

3
4 g. All documents, letters, or emails between any representative of
5 the witness or the witness and any government agency relating
6 to the negotiation of any bargain or other agreement;

7
8 h. All documents (or facts if not reduced to writing) which reflect
9 investigation of any individuals arising out of the information
10 received in whole or in part from the witness, the results of
11 which were in any manner inconsistent with the information
12 obtained from the witness;

13
14 i. All documents, including government's reports (or facts if not
15 reduced to writing), which indicate instances of illegal behavior
16 of the witness or specific instances of misconduct which relate
17 in any manner whatsoever to the witness's credibility. (See
18 Rule of Evidence 608(b)). This request includes any law
19 enforcement reports relating to these incidents;
20

21 j. Any statements made to any government agency or attorney
22 from any source which relates to the witness's lack of
23 credibility;
24
25
26

- 1 k. Any of the witness's juvenile or adult probation, supervised
2 release, or parole reports, presentence reports, violation
3 reports, and any supplements thereto;
4
5 l. All Pre-Trial Services (or similar agency) records or reports
6 reflecting any violation of conditions of release including
7 positive drug tests results;
8
9 m. Copies of all Naddis or other computerized intelligence system
10 records on the witness;

11 These requests include any oral statements made to any government
12 agency or attorney which were not memorialized in writing or in notes
13 regarding the foregoing. In addition, the Defendant herein requests that
14 the Government provide copies of any and all written documents or
15 memoranda relating to all of these requested items. These requests
16 include reports or results of scientific tests and other examinations.
17
18

19 RESPECTFULLY SUBMITTED this 5th day of February, 2007.

20 LAW OFFICES OF
21 NASH & KIRCHNER, P.C.

22
23 BY /S/ Walter Nash
24 WALTER NASH
25 Attorney for Defendant Reid
26

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2007, I served a true and correct copy of this Joinder by U.S. Mail, postage prepaid, on counsel for the United States at the address listed below:

James R.W. Braun, Esq.
Assistant United States Attorney
P.O. Box 607
Albuquerque, New Mexico 87103

/s/ Walter Nash

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